

Entered - 08/06/04 - sb  
CL - 04L0510 - LISA CARTER

CLAIM OF: HARVEY SHIFRIN  
9575 Woodblock Row  
Columbia, MD 21045

04- R-1595

For damages alleged to have been sustained as a result of striking a pothole on February 12, 2004 at 776 Briarcliff Road.

BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **HARVEY SHIFRIN** the sum of **\$810.32** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of striking a pothole on February 12, 2004 at 776 Briarcliff Road as is more particularly set forth in the within claim; said sum taken from and charged to account **1A01/529017/T31001**.

APPROVED: LINDA K. DISANTIS  
CITY ATTORNEY

BY: *Jerry L. DeLoach*  
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

## FAVORABLE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 9/14/04

CHAIR: *H. D. Smith*

*Harry Norman*

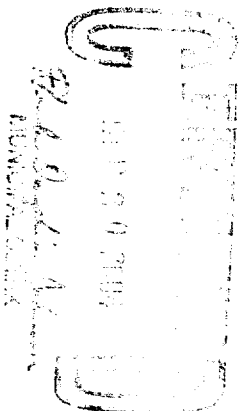
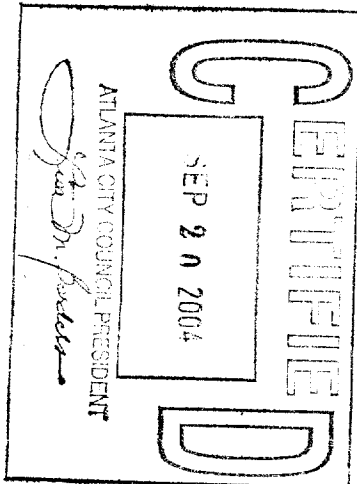
*C. H. Henshaw*

APPROVED

SEP 28 2004

MAYOR

ADOPTED BY  
SEP 20 2004  
COUNCIL





**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**04-R-1595**

**A RESOLUTION**

**BY PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Harvey Shifrin** in the sum of **\$810.32** settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained **as a result of striking a pothole on February 12, 2004 at 776 Briarcliff**, as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

*Rhonda Dauphin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

SEP 20, 2004  
SEP 28, 2004

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0510

Date: August 31, 2004

Claimant /Victim HARVEY SHIFRIN

BY: (Atty) (Ins. Co.) \_\_\_\_\_

Address: 9575 Woodblock Row Columbia, MD 21045

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 810.32 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 06/13/04 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) \_\_\_\_\_

Date of Occurrence 02/12/04 Place: 776 Briarcliff Road

Department Public Works Bureau: Highways and Streets Division: \_\_\_\_\_

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges that he sustained damages as a result of striking a pothole at 776 Briarcliff Road. However, the city was on notice of the existence of the pothole prior to the incident involving the claimant, but failed to make repairs in a timely manner.

INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable X

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement X

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,



INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ 810.32 Adverse \_\_\_\_\_ Account charged: 1A01 X 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 09/01/04

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 6041  
9/20/04  
2:47 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 1-16 EXCEPT:04-O-1442,  
04-R-1581, 04-O-1470  
ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

		9-20-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1500 2. 04-O-1501 3. 04-O-1502 4. 04-O-1503 5. 04-O-1504 6. 04-O-1505 7. 04-O-1631 8. 04-O-1508 9. 04-O-1513 10. 04-O-0165 11. 04-O-1253 12. 04-O-1255 13. 04-O-1256 14. 04-O-1259 15. 04-O-1431 16. 04-O-1442 17. 04-O-1479 18. 04-O-1480 19. 04-O-1551 20. 04-O-1552 21. 04-O-1554 22. 04-O-1625 23. 04-O-1627 24. 04-O-0770 25. 04-R-1566 26. 04-R-1568 27. 04-R-1569 28. 04-R-1630 29. 04-R-1635 30. 04-R-1650 31. 04-R-1571 32. 04-R-1632 33. 04-R-1590 34. 04-R-1616 35. 04-R-1580 36. 04-R-1581 37. 04-R-1583 38. 04-R-1584 39. 04-R-1585 40. 04-R-1574	41. 04-R-1575 42. 04-R-1576 43. 04-R-1578 44. 04-R-1579 45. 04-R-1633 46. 04-R-1653 47. 04-R-1593 48. 04-R-1594 49. 04-R-1595 50. 04-R-1596 51. 04-R-1597 52. 04-R-1598 53. 04-R-1599 54. 04-R-1600 55. 04-R-1601 56. 04-R-1602 57. 04-R-1603 58. 04-R-1604 59. 04-R-1605 60. 04-R-1606 61. 04-R-1607	62. 04-R-1608 63. 04-R-1609 64. 04-R-1610 65. 04-R-1611 66. 04-R-1612 67. 04-R-1614 68. 04-R-1615